IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Neil A. COOPER
Title:	SYSTEM FOR LOADING DEVICE-SPECIFIC CODE AND METHOD THEREOF

App. No.:	09/904,989	Filed:	July 13, 2001
Examiner:	Diem K. CAO	Group Art Unit:	2194
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REPLY BRIEF

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This brief contains these items under the following headings, and in the order set forth below:

TABLE OF CONTENTS

The final page of this brief before bears the attorney's signature.

I.   STATUS OF CLAIMS (37 C.F.R. § 41.37(c)(1)(iii))

A.   TOTAL NUMBER OF CLAIMS IN APPLICATION

There are thirty-five (35) claims pending in the application (claims 1 and 3-36).

B.   STATUS OF ALL THE CLAIMS

In the Appeal Brief, the Appellant's statement of the status of the claims was in error. The correct status is set forth below.

1.   Claims pending:

Claims 1, 3-11, 13-21, and 23-36.

2.   Claims withdrawn from consideration but not canceled:

NONE.

3.   Claims allowed:

23-30.

4.   Claims objected to:

8, 9, 15, 17, and 32-34.

5.   Claims rejected:

Claims 1, 3-11, 13-21 and 23-36 are rejected under 35 U.S.C. § 103.

6.   Claims canceled:

Claims 2, 12, and 22.

C.   CLAIMS ON APPEAL

There are four (4) claims on appeal, claims 1, 13, 16, and 31.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. § 41.37(c)(1)(vi))

A.   Claims 1, 13, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bondy* et al. (U.S. Patent No. 5,491,813) (hereinafter "the *Bondy* reference") in view of *Keller* et al. (U.S. Patent No. 5,752,032) (hereinafter "the *Keller* reference") and further in view of *Schoening* et al. (U.S. Patent No. 6,226,788) (hereinafter "the *Schoening* reference") as set forth in the Final Office Action dated June 5, 2006 (hereinafter, "the Final Action") and the subsequent Advisory Action dated August 8, 2006 (hereinafter, "the Advisory Action").

B.   Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the *Bondy* reference in view of the *Keller* reference and the Schoening reference and further in view of *Shirakabe* et al. (U.S. Patent No. 5,136,709 (hereinafter "the *Shirakabe* reference") as set forth in the Final Action and the subsequent Advisory Action.

III. REPLY TO EXAMINER'S ARGUMENTS

Based on the arguments and issues below, none of the claims stand or fall together, because in addition to having different scopes, each of the independent claims has a unique set of issues relating to its rejection and appeal as indicated in the arguments below:

As explained in Appellant's brief, the cited references do not disclose or suggest identifying a device specific **driver portion**, as recited in claim 1. In the Examiner's Answer at page 8, the Office alleges that the Schoening reference discloses these features, because it discloses "a mechanism for automatic determination of currently supported devices 102 at start-up time, and automatic integration of device-specific overrides of Service Module Functions at start-up time." *Schoening*, col. 12, lines 55-61. However, Appellant respectfully points out that neither the cited portion, nor any other portion of Schoening, discloses identifying a device specific **driver portion**.

In particular, as explained in Appellant's Brief and not disputed in the Examiner's Answer, a driver controls the functions of a specific device. The "Service Module" disclosed in Schoening is not a driver portion. Schoening nowhere refers to the Service Module as a driver or driver portion. Instead, Schoening defines the Service Module as "a set of classes derived from the FrameWork and FrontEnd packages *that define the API*, data model, database, and abstract functions that implement network device services." *Id*. at col. 6, lines 60-63 (emphasis added). The FrameWork disclosed in the *Schoening* reference "means the set of classes, in an object-oriented computer programming language, and services from which the organization and structure of a Service module is derived. In particular, a FrameWork *defines the structure of an API* and internal dispatch mechanisms." *Id*., col. 6, lines 42-46 (emphasis added). An API

(application program interface) provides an interface between software and an operating system. Thus, Schoening discloses a system for overriding the functions of a network device by controlling the classes that software can use to interface with an API. Thus, rather than identifying a device specific **driver portion** in order to override a device function, Schoening ensures that the **API** itself is not able to refer to functions that have been overridden. Schoening therefore does not disclose identifying a device specific driver portion, as recited in claim 1.

At pages 8-9, the Examiner's Answer argues that the Service Module can be device-specific. However, even assuming *arguendo* that this is correct, the Examiner's Answer fails to establish that the Service Module is a device-specific **driver portion** as discussed above. Accordingly, neither the Final Office Action nor the Examiner's Answer establishes that the cited references disclose or suggest each and every element of claim 1.

With respect to claim 13, the claim recites providing a third function to manipulate a processor to load a particular device-specific driver portion into kernel mode memory, wherein the particular device-specific driver portion is associated with the particular display device of the plurality of different display devices. As explained above, the *Schoening* reference fails to disclose or suggest identifying or loading device-specific driver portions, as recited in claim 13.

With respect to claim 31, the claim recites a third function to manipulate a processor to load a particular device-specific driver portion into kernel mode memory, wherein the particular device-specific driver portion is associated with the particular display device of the plurality of different display devices. As explained above the *Schoening* reference fails to disclose or suggest identifying or loading device-specific driver portions. Accordingly, the *Schoening* reference necessarily fails to disclose a plurality of device-specific driver portions, wherein each device-specific driver portion of the plurality of device-specific driver portions includes

functions to manipulate a processor to support only a portion of the plurality of different display devices as recited in claim 31.

Further, as acknowledged in the Final Office Action at page 4, the *Keller* reference and the *Bondy* reference fail to disclose the limitations of claims 1, 13, and 31 that are lacking in the Schoening reference. As such, the proposed combination of the cited references fails to disclose or suggest each and every limitation of claims 1, 13, and 31 and the Final Action therefore has failed to establish that the proposed combination of the cite references discloses or suggests each and every claim depending from claims 1, 13, or 31 at least by virtue of this dependency.

VIII. CONCLUSION

For at least the reasons given above, the Appellant respectfully requests reconsideration and allowance of all claims and that this patent application be passed to issue.

Respectfully submitted,

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Date

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